THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO.2006 OF 2000

DATED 02-09-2005.

Between:

Seeku Sankara Rao, s/o Appanna,

Aged 38 years, Un-employee,

R/o Visakhapatnam and another.

.... Petitioner

And

The Visakhapatnam Steel Plant,

Visakhapatnam, rep. by its Chairman-

Cum-Managing Director

.... Respondents

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO.2006 OF 2000.

ORDER:

This writ petition is filed seeking a mandamus to declare the action of the respondent in not considering the petitioners for selection in the category of displaced land owners in terms of the judgment dated 05-12-1997 in W.P.No.9370 of 1996 and batch, as illegal and arbitrary and consequently direct the respondent to consider and appoint them to the posts of khalasi or any other suitable post in terms of the said judgment.

The petitioners, who are two in number, earlier approached this Court and filed W.P.No.12704 of 1997, which was disposed of in terms of the judgment dated 05-12-1997 made in W.P.No.9370 of 1996. It is stated by the respondent in the counter-affidavit that pursuant to the judgment of this Court in W.P.No.9370 of 1996, dated 05-12-1997, the respondent had issued Notification No.5/99, dated
27-02-199 fixing the age limit for displaced persons (general categtory) at 35 years; 38 years for displaced persons (OBC category): and 40 years for displaced persons (SC/ST category). It is further stated by the respondent that since the petitioners have crossed the upper age limit of 35 years as on 01-01-1999, they were not considered for the said posts notified.

Having regard to the averments in the counter-affidavit, it cannot be said that their claims were not considered. It is submitted by the learned counsel for the petitioners that the claim was made by the petitioners under special category and as such, the respondent should have considered their cases by exempting their age limit.

In view of the fact that the posts were notified only for appointment of displaced persons and the petitioners did not fulfill the age criteria under the said notification, and having regard to the nature of posts, the petitioners cannot claim for exemption of age. I do not find any merit in this writ petition and the same is accordingly dismissed. No order as to costs.

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02-09-2005.

Lrkm.